

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,
Plaintiff,

Civil Action No.24-527

v.

SIMPLE VOIP, LLC

Defendant.

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Plaintiff, the United States of America, by and through its attorney, Jae Y. Kim, for the District of New Jersey hereby sets forth its Complaint against Defendant, Simple Voip, LLC. (herein after “Defendant”) and states as follows:

1. This court has jurisdiction over the subject matter of this action pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1345.
2. Plaintiff is the United States of America, acting through the Department of the Treasury’s Bureau of the Fiscal Service (hereinafter “Treasury”) on behalf of the Federal Communications Commission (FCC). The debt was referred to the Treasury in accordance with the Debt Collections Improvement Act of 1996 (DCIA) (31 U.S.C. § 3701 *et seq.*).
3. Defendant, Simple Voip, LLC. is a business located in Saddle Brook, New Jersey within the jurisdiction of this Court and may be served with service of process at Park West 80, 250 Pehle Avenue, Suite 200, Saddle Brook, NJ 07663.

COUNT 1

4. On July 12, 2019 the FCC sent Invoice No. 83184360000 requesting payment for an assessment amount for 2019-2020 obligation period one (1) of twelve (12) in the amount of \$55,028.76. On August 9, 2019 Invoice No. 83184360001 for period two (2) was sent in the amount of \$59,028.76. On September 6, 2019 Invoice No. 83184360002 for period three (3) was sent in the amount of \$59,028.76. On October 4, 2019 Invoice No. 83184360003 for period four (4) was sent in the amount of \$59,028.76. On November 1, 2019 Invoice No. 83184360006 for period five (5) was sent in the amount of \$59,028.76. On November 25, 2019 a final Invoice No. 83184360009 was sent requesting that the full obligation for 2019-2020 Annual assessment in the amount of \$413,201.32 be paid. See Exhibit “A” attached hereto and incorporated herein.
5. On December 4, 2019 the FCC referred the debt to Treasury for collection. Treasury then referred the debt to DOJ for litigation and collection on July 14, 2023. See Exhibit “B” attached hereto and incorporated herein.
6. On July 14, 2023 Treasury Debt Management Services referred the claim to the U.S. Department of Justice in the amount of \$704,345.12 with a daily interest accrual of \$115.78 and daily penalty of \$115.78. The Certificate of Indebtedness is correct as of July 18, 2023 and includes any applicable interest, penalties, administrative fees and DMS & DOJ fees (pursuant to 31 U.S.C. §3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. §527, note). See Exhibit “B” attached hereto and incorporated herein.

7. On July 25, 2023 the DOJ sent a demand letter to the Defendant in the amount of \$1,396,955.09 advising that Treasury had referred the debt over to DOJ to initiate legal action. A request for payment was made to avoid aforementioned action with a payment coupon attached. See Exhibit “C” attached hereto and incorporated herein.

Debt #1– TRFM12635449

8. The debt owed to the United States of America is as follows:

Current Principal	\$704,345.12
Current Interest (at 6.00%)	\$ 155,453.82
Penalty (@6.00%)	\$ 166,611.39
Administrative Costs	\$ 370,544.76
TOTAL DUE (as of 7/18/23)	\$1,396,955.09

COUNT 2

9. On November 24, 2020 the FCC sent Invoice No. 11610058759 in the amount of \$245,817.41 for payment in full, advising of interest rate of 2% and penalty rate of 6% and attached federal wire instructions. See Exhibit “D” attached hereto and incorporated herein.
10. On December 28, 2020 the FCC sent a Past Due Notice in the amount of \$246,166.14 showing interest accrual of \$969.89 and additional penalties in the amount of \$49,039.25. See Exhibit “E” attached hereto and incorporated herein.
11. On January 29, 2021 the FCC referred the claim to Treasury for litigation and collection. See Exhibit “B” attached hereto and incorporated herein.

12. On July 14, 2023 Treasury Debt Management Services referred the claim to the U.S. Department of Justice in the amount of \$196,157.00 with a daily interest accrual of \$10.75 and daily penalty of \$32.24. The Certificate of Indebtedness is correct as of July 18, 2023 and includes any applicable interest, penalties, administrative fees and DMS & DOJ fees (pursuant to 31 U.S.C. §3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. §527, note). See Exhibit “B” attached hereto and incorporated herein.

Debt #2– TRFM13867115

13. The debt owed to the United States of America is as follows:

Current Principal	\$196,157.00
Current Interest (at 2.00%)	\$ 11,013.75
Penalty (@6.00%)	\$ 82,094.13
Administrative Costs	\$104,373.92
TOTAL DUE (as of 7/18/23)	\$393,638.80

COUNT 3

14. On April 4, 2019 the FCC sent an original bill (FCC Form 159-W) in the amount of \$80,801.00 for 2019 regulatory fee. On November 4, 2019 a second attempt for payment was made. See Exhibit “F” attached hereto and incorporated herein.
15. On November 20, 2019 the FCC sent Invoice No. 11610046804 in the amount of \$101,122.45 demanding payment in full. See Exhibit “G” attached hereto and incorporated herein.

16. On December 23, 2019 the FCC sent a Past Due Notice in the amount of \$101,196.52 showing interest accrual of \$195.27 and additional penalties in the amount of \$20,200.25. See Exhibit “H” attached hereto and incorporated herein.

Debt #3– TRFM13040510

17. The debt owed to the United States of America is as follows:

Current Principal	\$ 80,801.00
Current Interest (at 2.00%)	\$ 3,080.74
Penalty (@6.00%)	\$ 38,687.34
Administrative Costs	\$ 44,255.96
TOTAL DUE (as of 7/18/23)	\$166,795.04

Count 4

18. On September 12, 2019 the North American Numbering Plan (NANP) Welch LLP sent an Invoice No. IN103411 for FCC Filer 831843 (Simple Voip, LLC.) in the amount of \$2,314.42 for the annual fee for the Numbering Administration costs in North America from October 2019 to September 2020. A demand notice was sent on October 16, 2019. On November 13, 2019 a Statement for the overdue payment of \$2,314.42 was sent to the Debtor. On December 12, 2019 NANP Welch LLP sent an interest statement to the Debtor in the amount of \$16.55. NANP Welch LLP final statement was sent on December 13, 2019 in the amount of \$2,330.97. See Exhibit “I” attached hereto and incorporated herein.

19. On March 12, 2021 NANP Welch LLP sent a credit note to the Defendant with an updated credit note showing adjustments to both the 2018 and 2019 annual fee. A credit in the amount of \$1,795.56 was given for 2019 and a credit in the amount of \$25.00 for 2018. On June 22, 2023 a revised statement with the current balance due of \$510.41 was sent to the Defendant which included interest in the amount of \$16.55.

Debt #4– TRFM13903237

20. The debt owed to the United States of America is as follows:

Current Principal	\$ 493.86
Current Interest (at 4.50%)	\$ 68.55
Penalty (@6.00%)	\$ 69.33
Administrative Costs	\$ 227.95
TOTAL DUE (as of 7/18/23)	\$ 859.69

21. Demand has been made upon the Defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

WHEREFORE, the United States respectfully request that this Court enter a judgment against the Defendant for Debt #1– TRFM12635449 in the amount of \$1,396,955.09, for Debt #2– TRFM13867115 in the amount of \$393,638.80, Debt #3 – TRFM13040510 in the amount of \$166,795.04 and Debt #4 – TRFM13903237 in the amount of \$859.69 for a total of \$1,958,248.62 plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and post judgment interest pursuant to 28 U.S.C. §1961 and that interest on the

judgment be at the legal rate until paid in full. For all attorney's fees to the extent allowed by law; filing fee of \$400.00 as permitted by 28 U.S.C. § 2412 (a)(2); and for such other relief which the Court deems proper.

Respectfully submitted,

By: /s/ Jae Y. Kim, Esq.
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Private Counsel – U.S. Department of
Justice
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Date: January 29, 2024